

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION

FILED
 03/24/2010
 Clerk, U.S. District Court
 Western District of Texas

BY: KRH

Deputy

UNITED STATES OF AMERICA

vs.

(1) EDUARDO BARRAZA-FERNANDEZ

§
 § CASE NUMBER: EP:10-M -01491(1) - G
 § USM Number: 56128-280
 §
 §

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For A Petty Offense) - Short Form

The defendant, EDUARDO BARRAZA-FERNANDEZ, was represented by counsel, Vivek Grover.

The defendant pled guilty to the complaint on March 24, 2010. Accordingly, the defendant is adjudged guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>
8 USC 1325(a)(1)	IMPROPER ENTRY BY AN ALIEN	March 08, 2010

As pronounced on March 24, 2010, the defendant is hereby committed to the custody of the United States Bureau of Prisons for a term of **Time Served**. The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

Signed this the March 24, 2010.


 NORBERT J GARNEY
 U.S. MAGISTRATE JUDGE

1. CIR./DIST./DIV. CODE TXW		2. PERSON REPRESENTED (1) EDUARDO BARRAZA-FERNANDEZ			VOUCHER NUMBER	
3. MAG. DKT/DEF. NUMBER EP:10-M-01491(1)		4. DIST.DKT./DEF.NUMBER		5. APPEALS DKT./DEF.NUMBER		6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (Case Name) U.S. vs. (1) EDUARDO BARRAZA-FERNANDEZ		8. PAYMENT CATEGORY Petty Offense		9. TYPE PERSON REPRESENTED Adult Defendant		10. REPRESENTATION TYPE Criminal Case
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 8 USC 1325(a)(1) - IMPROPER ENTRY BY AN ALIEN 8 USC 1325(a)(1)						
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Grover, Vivek 1011 North Mesa El Paso, TX 79902 Telephone Number: (915) 838-9355				13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs for Federal Defender <input type="checkbox"/> R Subs for Retained Attorney <input type="checkbox"/> P Subs for Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions) <i>Robert J. Larny</i> Signature of Presiding Judicial Officer or By Order of the Court 03/09/2010 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time of appointment <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)						
CLAIM FOR SERVICES AND EXPENSES						
CATEGORIES (Attach itemization of services with dates)			HOURS CLAIMED	TOTAL AMOUNT CLAIMED	FOR COURT USE ONLY	
					MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT
						ADDITIONAL REVIEW
In Court	15. a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (Specify on additional sheets)					
(RATE PER HOUR = \$) TOTALS:						
Out of Court	16. a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work (Specify on additional sheets)					
(RATE PER HOUR = \$) TOTALS:						
17. Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):						
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____				20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT -- COURT USE ONLY						
23. IN COURT COMP.		24. OUT OF COURT COMP		25. TRAVEL EXPENSES		26. OTHER EXPENSES
						27. TOTAL AMT. APPR./CERT.
28. SIGNATURE OF THE PRESIDING JUDGE				DATE		28a. JUDGE CODE
29. IN COURT COMP.		30. OUT OF COURT COMP		31. TRAVEL EXPENSES		32. OTHER EXPENSES
						33. TOTAL AMT. APPR./CERT.
34. SIGNATURE OF THE CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>				DATE		34a. JUDGE CODE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

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BY: KR N
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USA

VS.

(1) EDUARDO BARRAZA-FERNANDEZ

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CASE NUMBER: EP:10-M -01491(1) G

Interpreter Required: Yes ☒ No ☐

TIME: 0 to 0

PROCEEDINGS SHEET*/CRIMINAL NOTICE **8 USC 1325(a)(1)**

TAKE NOTICE That a proceeding in this case has been set for the place, date and time set forth below:

PLACE

United States Courthouse
511 E. San Antonio
El Paso, Texas 79901

ROOM NO.

Magistrate Hearing Room #201

DATE AND TIME

March 24, 2010 at 1:30 PM

TYPE OF PROCEEDING

MISDEMEANOR ARRAIGNMENT

NORBERT J GARNEY

UNITED STATES MAGISTRATE JUDGE

March 9, 2010

INITIAL APPEARANCE DATE **

Kathy Hicks (915) 534-6021

(BY) DEPUTY CLERK

TO: DEFENDANT

DFT ATTORNEY

U.S. PROBATION

U.S. PRETRIAL

U.S. ATTORNEY

U.S. MARSHAL

AGENCY / AGENT: **El Paso Sector Border Patrol - ORTEGA, ANNA S.**

Grover, Vivek(CJA) - (915) 838-9355

 X Bond set at **\$10,000 Cash or Corporate Surety**

* Defendant afforded initial appearance pursuant to Fed.R.Crim.P.5. informed of charges, penalties, right to remain silent, right to preliminary examination, right to be represented by counsel, and to appointment of counsel if Defendant is financially unable to obtain counsel, and the circumstances under which Defendant may secure pretrial release. ** Initial appearance for Defendant is electronically recorded.

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WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

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(1) EDUARDO BARRAZA-FERNANDEZ

§
§ CRIMINAL COMPLAINT
§ CASE NUMBER: EP:10-M -01491(1) - G
§
§

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **March 8, 2010** in **El Paso** County, in the **WESTERN DISTRICT OF TEXAS** defendant(s) did, (track statutory language of offense) being an alien to the United States, knowingly enter the United States at a time and place other than as designated by immigration officers

in violation of Title **8** United States Code, Section(s) **1325(a)(1)**.

I further state that I am a(n) **BORDER PATROL AGENT** and that this complaint is based on the following facts: *"The Defendant, Eduardo BARRAZA-Fernandez, an alien to the United States and a citizen of Mexico, entered the United States from the Republic of Mexico by wading the Rio Grande River on March 8, 2010, approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers."*

Continued on the attached sheet and made a part hereof:

Sworn to before me and subscribed in my presence,

March 9, 2010
Date

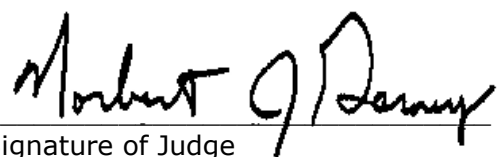
NORBERT J GARNEY
U.S. MAGISTRATE JUDGE

☒ Yes ☐ No



Signature of Complainant
ORTEGA, ANNA S.
BORDER PATROL AGENT

at EL PASO, Texas
City and State



Signature of Judge

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

(1) EDUARDO BARRAZA-FERNANDEZ

FACTS (CONTINUED)

The Defendant, Eduardo BARRAZA-Fernandez, an alien to the United States and a citizen of Mexico, entered the United States from the Republic of Mexico by wading the Rio Grande River on March 8, 2010, approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas, in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers.

On March 8, 2010 at approximately 10:15 p.m., Camera Control Operators observed several individuals illegally enter the United States by crossing the Rio Grande River approximately 3.0 miles west of the Paso Del Norte Port of Entry in El Paso, Texas. Camera Control Operators advised Border Patrol Agents, over the Service radio, that one of the individuals, later identified as the DEFENDANT, Eduardo BARRAZA-Fernandez, had scaled the K1A Border Fence. The rest of the individuals were observed absconding back to Mexico. Border Patrol Agent Jose Benitez-Medina responded to the area, approached the DEFENDANT, identified himself as a United States Border Patrol Agent, and questioned him as to his citizenship and nationality. The DEFENDANT readily admitted he was a citizen and national of Mexico with no documentation to be in or remain in the United States legally. The DEFENDANT was taken into custody and transported to the El Paso Border Patrol Station Processing Center for further processing. At the El Paso Border Patrol Station Processing Center, the DEFENDANT was enrolled into the E3/IDENT/IAFIS system and returned with positive immigration history and negative criminal results. The DEFENDANT was advised of his rights, in the Spanish language, as per Form I-214 which he acknowledged by signing.

IMMIGRATION HISTORY:

The DEFENDANT was removed to MEXICO on May 27, 2001, through EL PASO, TX.

CRIMINAL HISTORY: